

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

(1) CP NO.417/2014

**18 CONT. PETITION NO. 417 OF 2014  
IN WP/9657/2012**

DEVIDAS BHIMRAO SHILE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Petitioners :Mr. Dhakne Vijay A.  
AGP for Respondent State:Mr. V.H.Dighe

...  
CORAM : S.S. SHINDE & P.R. BORA, JJ.  
Dated: April 23, 2015

...  
PER COURT :-

1. Heard. Respondent no.3 has filed affidavit in reply.  
Paragraph nos. 4 and 5 of the said affidavit read thus:

"4. I say that, pursuant to the order dated 12.3.2014 passed in Writ Petition, the cases of each of the individual Petitioner has been scrutinized at the level of Project Officer, Integrated Tribal Development Project, Kinwat. The Project Officer, Kinwat has come to the conclusion that all the Petitioners have completed their 12 years service, therefore they are eligible for the benefits of ACPS scheme. I say that, accordingly, the necessary proposal was forwarded by the Project Officer to the higher authorities.

5. I say that, after receipt of the said proposal, the Government has taken the decision and vide letter dated 18.4.2015 Government has directed the office of Commissioner, Tribal Development, Nashik to take necessary steps for grant of benefits to the Petitioners. Hereto annexed and marked as **EXHIBIT R-1** is the copy of letter dated 18.4.2015. I say that, as per the Government letter dated 18.4.2015, the Respondents authorities will take the necessary steps and the amount will be released to the Petitioners within a period of two months."

AGP/-

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(2)

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2. In the light of the averments made in the affidavit in reply, and in particular, paragraph nos. 4 and 5 reproduced hereinabove, in our opinion, the respondents have taken steps to comply the impugned disobedience. It is true that this Court, by order dated 12.3.2014 in WP No.9657/2012, directed the respondents therein to extend the benefits of Assured Career Progress Scheme to such of the petitioners who are found eligible within a period of four months from scrutiny. However, the respondent no.3 in the affidavit in reply has tendered unconditional apology for delay in taking steps.

3. The Supreme Court in case of **Suresh Chandra Poddar Vs. Dhani Ram and others** reported in **(2002) 1 SCC 766** held that,

*"Time and again this Court has cautioned as to when and in what circumstances contempt of court jurisdiction is to be exercised. Such a power is not intended to be exercised as a matter of course. Courts should not feel unduly touchy when they are told that the orders have not been implemented forthwith."*

4. *In the light of the above, the contempt petition stands disposed of.*

( P.R. BORA, J. )

( S.S. SHINDE, J. )

AGP/-